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June 10, 1999

3682

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Examiner Marcus Charles

Re: U.S. Patent Application Serial No. 08/828,802
CONTINUOUSLY VARIABLE RECIPROCATING
TRANSMISSION DEVICE
Filed: March 27, 1997

TC 3600

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DIVISION

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TECHNOLOGY CENTER 3600
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Dear Examiner Charles:

This letter will confirm our telephone conference of June 8, 1999. You confirmed that our "Response B With Amendment," filed May 3, 1999, was not entered. Since we were not aware of the status of our response at the end of the six-month statutory response deadline, we filed a Notice of Appeal on June 2, 1999 in order to keep the application pending.

You have agreed that the following amendments would place the above-identified application in condition for allowance, and you have agreed further to make these amendments by Examiner's Amendment:

1. The three paragraphs from claim 11, on page 4 of Amendment A filed September 14, 1999 (beginning with "wherein the first rotational member" and ending with "in threaded engagement therewith") will be added to claim 1.
2. Claims 32-35, 37 and 38 will be canceled.
3. The amendments made to claim 20 in Amendment B, filed May 3, 1999, will be made and entered, in order to overcome Section 112 concerns.

It is my understanding that you will make these amendments, as well as any other necessary amendments, *well in advance* of the August 2, 1999 deadline for filing an appeal brief, and that you will then issue a Notice of Allowability and a Notice of Allowance in this application.

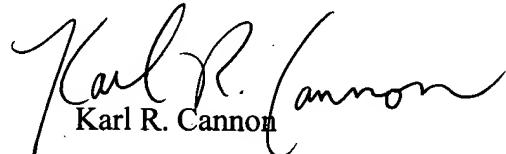
Please contact me immediately if my understanding is incorrect in any way.

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We continue to be concerned about the risk of abandonment, and we therefore request prompt action so that abandonment will be avoided. As you will recall, on May 17, 1999 you assured me by telephone that the application "will not go abandoned" because you had received our Response B, filed May 3, 1999. I replied that, if for some reason your supervisor decides that the application is not in condition for allowance, the application would go abandoned on June 2 if further action is not taken. You told me that was not a concern, because you had received our response and that was sufficient, and no further action on my part was required to prevent abandonment from occurring. It was then not until June 2, the very day of the six-month statutory deadline, that I learned from you that our Response B had not been entered. Had I not then filed the Notice of Appeal on June 2, the application would indeed have gone abandoned despite your assurances to the contrary on May 17. I note further that the Examiner's Amendment you are now in the process of making could have been done prior to June 2, without the expense of the Notice of Appeal, if I had been informed and been given a chance to consult with you prior to June 2. Therefore, the unwarranted assurances you gave me on May 17 have cost us unnecessary expense, and would have resulted in abandonment had we not taken the precaution of a Notice of Appeal we had hoped was unnecessary. We ask that you now make the Examiner's Amendment immediately, and provide us with the Notice of Allowability well in advance of the August 2, 1999 deadline, so that we will bear no further risk of abandonment.

Very truly yours,

CLAYTON, HOWARTH & CANNON, P.C.


Karl R. Cannon

KRC/rs

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